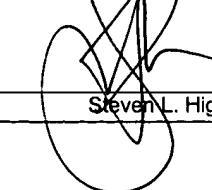


CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date below:

January 21, 2003
Date


Steven L. Highlander

#10

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Isaiah J. Fidler et al.

Serial No.: 09/872,162 ✓

Filed: May 31, 2001

For: ADJUVANT PREPARATION FOR THE
INDUCTION OF SPECIFIC IMMUNITY

Group Art Unit: 1653

Examiner: Quang Nguyen

Atty. Dkt. No.: UTSC:643US/SLH

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RESPONSE TO RESTRICTION REQUIREMENT DATED NOVEMBER 19, 2002

Commissioner for Patents
Washington, D.C. 20231

Commissioner:

This paper is submitted in response to the Restriction Requirement dated November 19, 2002 for which the date for response is January 19, 2002.

A request for a one-month extension of time to respond is included herewith along with the required fee. This one-month extension will bring the due date to January 19, 2002, which is within the six-month statutory period. Should such request or fee be deficient or absent, consider this paragraph such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 from Fulbright & Jaworski L.L.P. Account No.: 50-1212/10104662/SLH.

In response to the restriction requirement which the Examiner imposed, Applicants elect, without traverse, to prosecute claims 133-144, *i.e.*, the Group IV claims. Applicants elect a distinct species of an immunomodulator comprising (a) IFN β and a distinct species of an exogenous construct comprising (a) a construct encoding an immunomodulator.

The Examiner is invited to contact the undersigned attorney at (512) 536-3184 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,


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Attorney for Applicants

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Date: January 21, 2003